

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE

ATTORNEYS

McGraw-Edison Company, Albion Division,
a corporation

vs

Weatherwise, Inc., a corporation, and
Weatherwise Company, a Co-partnership
composed of Jack Rothrock and Sampson
S. Ledbetter

For plaintiff:

Irvine E. Ungerman (584-6101)
Ungerman, Grabel, Ungerman & Leiter
Sixth-Floor-Wright-Building
Tulsa, Oklahoma-74103

Harris Prescott
Ungerman, Conner & Little
P. O. Box 2099
Tulsa, OK 74101
918/745-0101

For defendant:

Metro Construction Company (garnishee)
8518 East Admiral Place
Tulsa, Okla. 74115

STATISTICAL RECORD

COSTS

DATE

NAME OR
RECEIPT NO.

REC.

DISB.

J.S. 5 mailed 4-1-70

Clerk

3-19-70 Ungerman
3-26-70 C/D 41

15 00

15 00

J.S. 6 mailed 5-1-70

Marshal

Basis of Action: Judgment on
unpaid merchandise

Docket fee

Witness fees

Action arose at: Tulsa

Depositions

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-19-70	Complaint filed. Summons issued. m	
3-24-70	Summons returned, filed - served Weatherwise, Inc., by serving Sampson	
	S. Ledbetter an officer of said Weatherwise, Inc., personally at Tulsa, Okla., served Weatherwise Company by serving Sampson S. Ledbetter personally at Tulsa Okla., served Jack Rothrock personally at Tulsa, Okla., all on 3-20-70. (Fee \$13.32)	
4-17-70	Application of plaintiff to clerk for entry of default, filed. b	
4-17-70	Default entered, endorsed on application. b	
4-17-70	Affidavit of Irvine E. Ungerman in support of application for entry of default judgment, filed. b	
4-17-70	Affidavit of amount due, filed. b	
4-17-70	Judgment by default upon application to Clerk, filed and entered, plaintiff have and recover from defendants, Weatherwise, Inc., a corporation, and Weatherwise Company, a Co-partnership composed of Jack Rothrock and Sampson S. Ledbetter, the sum of \$15,704.60 with interest at 10% from 8-1-69 with an attorney fee in the sum of \$3,000.00. (M.M. Ewing, Clerk) b	
4-20-70	Plaintiff's bill of costs in the amount of \$28.42 filed and taxed in the amount of \$28.42. b	
4-28-70	Execution issued, at request of pltf's attorney. m	
4-29-70	Return on execution, filed. Returned unserved & unsatisfied by request of atty. m	
4-30-70	Application for a citation to disclose assets and to show cause why a receiver should not be appointed, filed. ds	
4-30-70	Order to appear and answer as to assets and show cause why a receiver should not be appointed, filed. Defendants to appear 5-8-70, at 2:00 P.M. to answer. (FD-J) ds	
5-7-70	Return on service of writ, filed: Order to appear and answer to assets, etc., served on Sampson S. Ledbetter as a co-partner of Weatherwise, Inc., at Tulsa on 5-1-70; served Jack Rothrock at farm SW of Broken Arrow, Ok. on 5-4-70. (USM \$20.40)g	
5-8-70	Asset hearing held before Morris L. Bradford, Commissioner, and hearing continued until Friday, 5-15-70 at 2 o'clock for application for receiver. m	
5-15-70	Case passed from hearing set for this date at request of Mark xxx(FD-J)m ^{pltf} to be reset. (FD-J)m	
9-24-70	Hearing held on plaintiff's request for appointment of a receiver, defendants consent to a receiver. Ordered by the Court that Warren L. McConnico is appointed receiver and bond fixed at \$1,000.00. (Fred Daugherty - Judge)	
9-24-70	Order filed, appointing Warren L. McConnico receiver and fixing his bond in the sum of \$1,000.00. (Fred Daugherty-Judge) b	
7-17-72	Pltf's Appl for citation to disclose assets and show cause why a receiver should not be appointed. filed. r	
7-20-72	Order to appear and answer as to assets and show cause why a receiver should not be appointed, SET ON AUG 22, 1972 @9:00 A.M., Filed. (FD-J)e	(copies mailed)
7-20-72	Subpoena issued. r	
8-16-72	Marshal's return of service of subpoena duces tecum, filed. Served Sampson S. Ledbetter in Mannford on 8/14/72 (USM \$10.16) rm	
8-16-72	Marshal's return of service of order to appear and ans. as to assets, filed. Served Sampson S. Ledbetter in Manford on 8/14/72 (USM \$3.00) rm	
8-22-72	Case called for hearing on pltf's application for citation to disclose assets & show cause why a receiver should not be appointed. Witness Mr. Ledbetter sworn & hearing on assets to be held out of hearing of Court. Pltf. counsel to inform Court later this date whether a	

DATE	PROCEEDINGS	Date Order or Judgment Noted
8x	hearing on appointment of receiver is necessary or whether application will be withdrawn. (10:15 a.m.) Pltf. counsel reports back to Court with announcement that she will withdraw her application for appointment of a receiver. (FD-J)hm	
10-25-72	Order filed, that Pltf's appl to withdraw request for receiver, is withdrawn w/o prejudice. Filed. (FD-J)r (Copy mailed to Pltf)	
2-12-75	Execution, issued.k	
2-19-75	Execution, returned & filed: served Sampson S. Ledbetter, Sand Springs, Ok., 2-13-75. (USM \$7.80)g	
7-14-75	Partial Release of Judgment Lien against Lot Nine (9), Block three(3) Briarglen Extended, An addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, signed by Gatra Marvin, Attorney for Plaintiff, filed. mm	
9-9-75	Plaintiffs' Application for Citation to Disclose Assets & Show Cause Why a Receiver Should Not be Appointed, filed. mm (0007)	
9-18-75	MO: Ordered by the Court that this case is set for hrg. on pltf's. appl. for citation to disclose assets and show cause why a receiver should not be appointed. (FD-J)rm-notice	
9-19-75	Order, filed, that Sampson S. Ledbetter be served to appear and ans. as to assets and show cause why receiver should not be appt. at 9:30 a.m., 10/6/75, before Judge Daugherty.(FD-J)rm-copies to be served by pltf. counsel	
10-6-75	Hearing held on appl. of pltf. to disclose assets and show cause why receiver should not be appointed. Pltf. rep. by counsel, def. Sampson S. Ledbetter appearing pro se. Mr. Ledbetter sworn and testifies as to assets. Pltf. withdraws appl. for receiver.(FD-J)rm	
10-24-75	Garnishment affidavit, filed. hm	
10-24-75	Garnishment summons issued. hm	
10-31	Garnishment summons, ret. & filed: served Bruce Allison, Pres., Metro Construction Co., Tulsa, Ok. 10-30-75. (USM \$6.84)g	
11-10	Answer of Garnishee, Bruce Allison, DBA Metro Construction, filed. g	
11-19	Appl. of pltf. for order to garnishee to pay money into court and for Ct. to pay money out, filed. rm.	
11-21	Order, filed, to garnishee to pay money into court and to ct. clerk to disburse.(FD-J)rm-copies mailed	
1-7-76	Garnishment affidavit, filed and Summons issued. lm	
1-15-76	Garnishment Summons, ret. & filed; served Metro Construction Co. by serving Bruce Allison, Owner. (USM \$5.88)g	
1-26	Garnishment Summons, ret. & filed; served Bruce Allison of Metro Construction, (\$50.15)t	
2-6	Appl. of Pltf. for Order to Garnishee to Pay Money into Court & for Court to pay money out, fld. v (o)	

(Over)

Sheet 2, Page 4

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-12	Order filed, that Garnishee, Metro Const. Co., remit to Ct. Clerk \$50.15. Further ordered that upon receipt of said sum, less costs, Clerk shall pay to Pltf's attys., Ungerman, Grabel & Ungerman, for appl. to judgment rendered.(FD-J)ph cps mld	
2-11	Garnishment Affidavit, filed. Summons issued.jj	
2-18	Return on U.S. Marshal's Service, Garnishment, filed. Served Bruce Allison, Owner of Metro Construction Co., in Tulsa, on 2-13-76, w/fees of \$5.16. v	
3-8	Garnishee's answer, filed by Bruce Allison as owner of Metro Construction Co., in amt. of \$50.15.k	
11-2-76	Garnishment Affidavit, filed. Summons issued.jj	
12-3-76	USM service of Garnishment, ret. & filed: served Bruce Allison, Owner, Metro Construction Co., Tulsa on 12-1-76. (USM \$7.08)g	
12-9-76	Answer of Bruce Allison as owner of Metro Construction Co., filed in amt. of \$49.99. g	
1-7-77	Appl. of pltf. for order to garnishee to pay money into court and for court to pay money out, filed. rm (O to J)	
1-11	Order, fld., to garnishee to pay money into Court & to Court Clerk to disburse. Garnishee, Metro Construction Co., shall pay to Court Clerk the sum of \$49.99. Clerk shall then pay this sum to Ungerman firm for appl. to the judgment. (FD-J)v -cps. mld.	
1-28-77	Garnishment affidavit, filed. Summons issued.s	
2-4	Marshal's return on service of garnishment summons, filed. Served Metro Construction by serving Cecelia L. Allison, bookkeeper, on 2/3/77 in Tulsa.(USM \$4.75) rm	
2-10	Return on Garnishee Summons, fld. Garnishee's Answer on back. v	
3-3	Pltf. appl. for order to garnishee to pay money into Ct and for ct to pay money out. fld. o to j. ho	
3-7	Order to garnishee to pay money into court in amt. of \$49.99, and order to Court Clerk to disburse,filed.(FD-J)rm-copies mailed	
2-27-78	Garnishment affidavit of Allen Klein, filed. Summons issued. rm	
3-13	Answer of garnishee Metro Construction, filed. rm	
3-14	Garnishment affidavit of Allen Klein, filed. summons issued. rm	
3-14	Appl. of pltf. for order to garnishee to pay money into ct. and for ct. to pay money out, filed. rm	
3-20	Order to garnishee to pay money into Court and to Court Clerk to disburse, filed. (FD-J)rm-copies mailed	
3-21	Marshal's return on garnishment summons, filed. Served Bruce Allison in Tulsa on 3/20/78.(USM \$6.36)rm	
3-27	Garnishee's Answer (Bruce Allison for Metro Construction), filed. v	
4-7	Appl. of pltf. for order to garnishee to pay money into Ct.,filed.rm	
4-11	Order to garnishee to pay money into ct. & clerk to disburse,filed.(FD-J)rm	

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF		DEFENDANT	DOCKET NO. _____
McGraw-Edison		Weatherwise	PAGE ____ OF ____ PAGES
DATE 1978	NR.	PROCEEDINGS	
6-13	--	Garnishment affidavit of Allen Klein, filed. Summons issued.k	
6-15	--	Marshal's ret. on garnishment summons, filed. Served Bruce Allison on 6/14/78 in Tulsa. rm (\$4.68 USM)	
6-22	---	Answer of garnishee Metro. Construction, filed. rm	
7-26	---	Appl. of pltf. for order to garnishee to pay money into ct., filed.rm(0)	
7-28	---	Order to garnishee to pay money into ct. and to Ct. Clerk to disburse, filed. (FD-J)rm-copies md	
8-3	----	Garnishment of affidavit of Allen Klein, filed. summons issued. rm	
8-9	--	Ret. of USM service of Garnishment Summons, fld. Served Bruce Allison, President of Metro Construction Co., on 8-7-78 at Tulsa, OK. (USM \$6.84) ra	
8-22		Answer of Garnishee Metro Construction (\$55.90), filed. g	
<u>1980</u>			
3-11	----	execution issued.cs	
1-10	--	RETURN on execution. Served Sampson Ledbetter on 9-22-80 by serving Carolyn B. Ledbetter. (Fee:\$7.80)lm	
10-28		APPL. of pltf. for citation to disclose assets. rm	
10-29	--	ORDER, Sampson Ledbetter is to appear and answer as to assets before the U.S. Magistrate on 11-12-80 at 10:00 a.m.(HDC-J)mm c/m to movant c/mag.	
11-12	--	RETURN on order re asset hrg. Served Sampson S. Ledbetter by serving Carolyn Ledbetter, wife, in Manford, Ok. on 11-10-80: (Fees: \$12.12)hm	
11-12	MIN	ASSET HRG., Sampson S. Ledbetter sworn & testified, hrg. completed. (RSR-Mag)ho	
12-8	--	GARNISHMENT AFFIDAVIT of Allen Klein, filed. summons issued.mm	
12-22	--	USM RETURN, Served Cila Allison, head bookkeeper at 8518 E. Admiral Pl. on 12/19/80.(USM \$9.48)rm	
<u>1983</u>			
2-2	---	GARNISHMENT AFFIDAVIT of Harris Prescott w/si.a	
2-9	--	RETURNS (2) on Garnishee Summons served Sampson S. Ledbetter & Metro Construction Co. by c/m on 2/3/83. (Fee: \$9.10) bv	
2-23	--	GARNISHEE'S ANSWER; holding \$69.65. pt	
3-25	--	GARNISHMENT AFFIDAVIT of Harris H. Prescott. pt w/i (with notice to debtor)	
DC-111A REV. (1/75)			

DC-111A REV. (1/75)